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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,483	08/29/2001	Henry Wu	HENRYWU.007A	9333

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,483

Applicant(s)

WU, HENRY

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of figures 1-7 and 10A (and the sign holder of figure 6) in Paper No. 6 is acknowledged.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the staples defined in claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on line 6, "are configures" is awkward and confusing. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 7-14, 18, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 3, there is no antecedent basis for "the dimensions". In claims 18 and 21, line 1, there is no antecedent basis for "the plurality of folding chairs". In claim 18, line 2, there is no antecedent basis for "the sign displaying devices". In claim 21, line 2, there is no

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antecedent basis for "the plurality of sign displaying devices". In claim 21, lines 2-3, there is no antecedent basis for "the overall atmosphere".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent No. 2,767,895) in view of Ely (U.S. Patent No. 3,471,197).

In regard to claim 7, the examiner has taken the position that the applicant is positively claiming the folding chair in combination with the padded sign since the applicant states in claim 7, lines 3-4, "main body having dimensions that conform to the dimensions of the back rest portion". In regard to claims 7-14, Smith shows in figures 1-5 a main body (38), a plurality of retainers (24,28), and a padding (16). Smith does not disclose whether the seat is a folding seat. Ely shows in figures 1-2 a folding seat used in a vehicle. In view of the teachings of Ely it would have been obvious to one in the art to modify Smith by making the seat a folding seat since this would allow the upper portion of the seat to pivot forward which would allow passengers to enter into the back seat area of a vehicle in an easier and safer manner. In regard to claims 8 and 9, Smith does not disclose making the main body and hooks out of plastic. It is well known in the art to make articles and hooks out of plastic. It would have been obvious to one in the art to modify Smith by making the main body and hooks out of plastic since this would allow the body and hooks to be made in an easier manner and would make the body and hooks lighter and more

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durable. In regard to claim 14, Smith teaches the use of thread to attach the padding to the main body but does not disclose the use of staples. The use of staples to secure articles together is well known in the art. It would have been obvious to one in the art to modify Smith by attaching the padding with staples since this would allow the main body and padding to be attached together in an easier and faster manner. In regard to claim 15, Smith shows in figures 1-5 a chair (10,12), a main body (16) having signs (36,38, etc. with indicia thereon), and a plurality of retainers (24,28). Smith does not disclose whether the seat is a folding seat. Ely shows in figures 1-2 a folding seat used in a vehicle. In view of the teachings of Ely it would have been obvious to one in the art to modify Smith by making the seat a folding seat since this would allow the upper portion of the seat to pivot forward which would allow passengers to enter into the back seat area of a vehicle in an easier and safer manner. In regard to claim 18, as broadly defined, multiple chairs can be stacked together.

Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarino (U.S. Patent No. 3,283,433) in view of Chapman (U.S. Patent No. 3,703,312).

Navarino shows in figures 1-4 a main body (20) and a plurality of retainers (28). Navarino does not disclose whether the seat is a folding seat. Chapman shows in figure 1 a folding seat used in a auditoriums. In view of the teachings of Chapman it would have been obvious to one in the art to modify Smith by making the seat a folding seat since this would allow the lower portion of the seat to pivot forward which would patrons to walk down an aisle in an easier and safer manner. In regard to claim 18, as broadly defined, multiple chairs can be stacked together.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hosker teaches the use of a padded display. Colie, Elliott, Lackomar, and G.B. 146,005 teach the use of displays attached to a chair or seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


BRIAN K. GREEN
PRIMARY EXAMINER

bkg
July 11, 2003